

REMARKS

Claims 27-32 and 48-53 were considered. No claims are amended. Claims 27-32 and 48-53 remain in the Application.

The Patent Office rejects claims 27-32 and 48-53 under 35 U.S.C. §112, first paragraph. According to the Patent Office, the specification does not support “separately” delivering a treatment agent and a barrier having a binding member. The Patent Office points to the specification at page 23, lines 18-19, that it is “essential that the agent and the barrier both be present at or near the target tissue during at least partially overlapping times”.

Applicant believes the Application fully supports separately delivering treatment agent and a barrier having a binding member. Using the example noted by the Examiner at page 23 of the Application, the Application describes an embodiment where a barrier and a treatment agent are presented to the target site in a time-varied manner, “wherein the barrier is provided at a different time from the introduction of the agent”. Application, page 23, lines 16-17. The method described by the noted sentence includes separately delivering a treatment agent and a barrier, one before the other. One way that the barrier is provided at or near a target tissue separately from a treatment agent is that the barrier and treatment agent are delivered at a different time.

In addition to the above-noted language, the Application also describes a biodegradable barrier that is separate from a treatment agent. See, e.g., Application at page 8, lines 7-8. In one embodiment, a treatment agent is contacted with a target tissue, followed by contact with a barrier to the target tissue. See, e.g., Application at page 8, lines 17-19. “In another embodiment, the barrier is contacted with a target tissue prior to introduction of a treatment agent.” See, e.g., Application, page 8, lines 22-23. These are other examples where delivering separately means separately in time.

Applicant respectfully requests that the Patent Office withdraw the rejection of claims 27-32 and 48-53 under 35 U.S.C. §112, first paragraph.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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William T. Babbitt
William Thomas Babbitt, Reg. No. 39,591

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
Telephone (310) 207-3800
Facsimile (310) 820-5988

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Nedy Calderon 1/22/06
Nedy Calderon Date